



## MEMORANDUM

July 6, 2012

To: Planning Commission

From: Manisha Tewari, Planner

Via: David Levy, Chief of Long Range Planning

Subject: Annexation of Shady Grove Road, ANX2012-00144  
Preliminary Annexation Plan

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In your Planning Commission packet for the June 11 meeting, which was sent on June 3, staff included a memorandum regarding Mayor and Council's direction that staff move forward with annexation of a portion of Shady Grove Road, and the intersection of Shady Grove Road and Maryland Route 355 (which is State right-of-way).

The City's Zoning Ordinance requires that the Planning Commission review a preliminary annexation plan, hold a public hearing and make a recommendation to the Mayor and Council. The preliminary annexation plan is scheduled to be reviewed at your meeting on July 11. At the time that the packet was sent, on June 3, the survey and legal description of the property proposed for annexation was not yet complete, precluding staff's ability to complete the preliminary annexation plan. The survey is now complete and is incorporated into the Preliminary Annexation Plan, which is provided as Attachment A.

Following this review, the Planning Commission is scheduled to hold a Public Hearing on the annexation plan on July 25, 2012. The Public Hearing will be advertised in the Washington Post on July 10, to allow for 15 days' notice, as required by Section 25.02.04 of Rockville's Zoning Ordinance.

Adopted by the Mayor and Council of Rockville at their meeting on (date to be determined)

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## **Preliminary Annexation Plan: Annexation Case No: ANX2012-00144**

### **GENERAL INFORMATION AND DESCRIPTION**

The Mayor and Council of the City of Rockville are proposing to annex 10.40 acres, (453,283 square feet) more or less, of right-of-way into the City of Rockville.

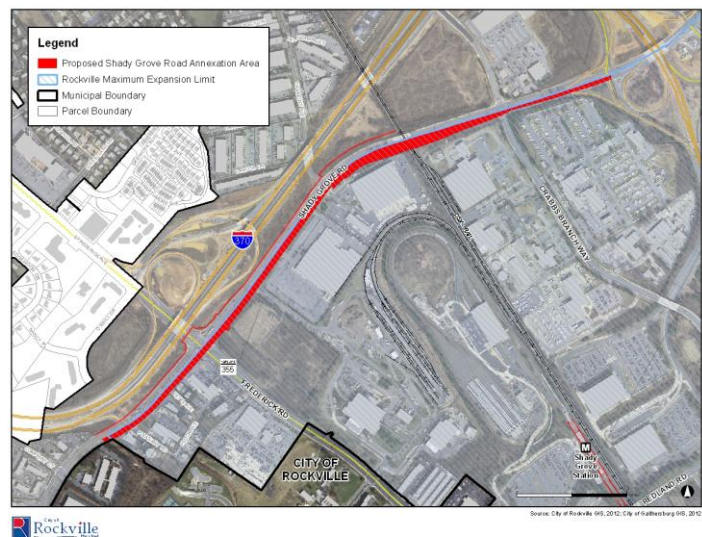
#### Purpose of the Annexation

The purpose of this annexation is to preserve Shady Grove Road as the long-term north/northwest boundary of the City of Rockville. The December 2010 Municipal Growth Element (MGE) of Rockville's Comprehensive Master Plan consistently displays this long-term boundary, and shows all properties of the City's Maximum Expansion Limits (MELs) to be no farther north/northwest than Shady Grove Road. It also shows properties to the south/southeast of the property to be annexed as being part of the MELs.

#### Location

The property proposed for annexation is the southern portion of Shady Grove Road, from the beginning of Rockville's Maximum Expansion Limits near 16001 Shady Grove Road toward the north/northeast to just before the intersection of Shady Grove Road and I-370. The proposed annexation also includes the intersection of Shady Grove Road and Maryland Route 355, which is State right-of-way. The legal description and the associated schedule of the proposed annexation are included as Attachment A. A graphical representation of the general area to be annexed is as shown on the location map.

#### Location Map



## **ANNEXATION PLAN REQUIREMENTS**

To approve an annexation, Article 23A, Section 19 (o) of the Annotated Code of Maryland requires the annexing municipality to prepare an annexation plan and for the legislative body (for Rockville, the Mayor and Council) to adopt it. The annexation plan must show that the annexation meets State-required criteria of 1) adjacency and contiguity, and 2) not create any unincorporated enclaves. The plan must include a description of the land use pattern proposed for the area to be annexed, which may include any county master plan in effect for the area; demonstrate the land available for public facilities, such as school sites, water or sewerage treatment facilities, libraries, recreation, fire or police; describe the schedule for extending public services; and discuss the anticipated means of financing for the extension of services (if required). The annexation plan must be consistent with the Municipal Growth Element of the comprehensive plan of the municipal corporation. This annexation plan fulfills these requirements.

Once the Mayor and Council has approved the annexation plan, it shall be provided to the governing body of the county, or counties, in which the municipal boundary is located, the Maryland Department of Planning and any regional and State planning agencies having jurisdiction within the county at least 30 days prior to the Mayor and Council's public hearing for the annexation. The annexation plan must also be open to public review and discussion at the public hearing.

## **ANNEXATION CRITERIA**

Article 23A of the annotated Code of Maryland establishes standards for evaluating annexation proposals. The code states that a municipal corporation may enlarge its corporate boundaries only to land:

- 1) Which is adjoining and contiguous to the existing corporate area; and
- 2) Which does not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the municipality as a result of the proposed annexation, or any combination of such properties.

This proposed annexation meets these two requirements.

## **LAND USE PATTERNS OF AREAS PROPOSED TO BE ANNEXED**

The area proposed for annexation is approximately 10.40 acres (453,283 square feet), more or less.

### Existing and proposed zoning and land use

The property proposed to be annexed is currently right-of-way. The City intends for it to remain

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as a right-of-way. Therefore, no change in land use or zoning is proposed.

Compliance with Montgomery County Master Plan

The existing roadway is consistent and compliant with the Shady Grove Sector Plan, which is part of the Montgomery County Master Plan, as adopted by the Maryland-National Park and Planning Commission in March 2006. As Rockville intends for there to be no change in use, the master plan compliance will not be affected by the annexation.

The annexation is also consistent with the City of Rockville's Master Plan, as the area proposed for annexation is within the City's Maximum Expansion Limits, as established in the December 2010 Municipal Growth Element of Rockville's Master Plan.

**ADEQUACY OF PUBLIC FACILITIES**

Water and Sewer

The current and future use of the property is to serve as roadway. There are no existing or proposed water and sewer requirements for the property proposed to be annexed. No changes in service will occur as a result of the annexation.

Roads

The subject property proposed for annexation is a major highway. No traffic study is required for the petition since no change to the existing use is proposed to the right-of-way. Currently, Shady Grove Road is maintained by Montgomery County. Once annexed, the City of Rockville is prepared and able to assume operations and maintenance responsibility for the portion of Shady Grove Road that is included in the annexation area.

The intersection of Shady Grove Road and Frederick Avenue (Maryland Route 355) is currently maintained by the Maryland State Highway Administration. The operations and maintenance of this intersection will continue to be the responsibility of the State. Signalized intersections will continue to be maintained by the County and the State.

All three parties will coordinate to ensure that service is reliable, as is done for other highways in Rockville.

Police Services

Police protection will primarily be provided by Rockville Police Department in conjunction with the Montgomery County Police Department.

Fire, EMS and Rescue Services

No impacts on emergency services are anticipated as a result of this annexation, since there are no proposed changes to existing uses and no anticipated changes to service provision. Montgomery County provides these services in Rockville, through Montgomery County Fire and Rescue Services (MCFRS), and will continue to do so in annexed areas. Rockville does not

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provide this service as a part of its municipal government.

#### School Services

No impacts on Montgomery County Public Schools systems are anticipated as a result of this annexation since there are no proposed changes to existing uses, and there are no residences on the roadways.

#### Parks and Recreation/Public Libraries

This annexation does not impact service provision for parks, recreation or libraries.

#### Storm water Management

No additional storm water management resources are required as a result of this annexation.

### **ENVIRONMENT**

#### Impact on sensitive environmental areas

Since the area proposed for annexation is a major highway and a right-of-way, no forest, significant trees, streams or buffers, or wetlands or their buffers are on the property. No rare, threatened or endangered species or cultural or historic resources are known to exist on the site. Therefore a Natural Resources Inventory/Forest Stand Delineation is not required for the proposed annexation. Landscape trees exist along the median and the perimeter of the right-of-way. The City is prepared and able to maintain all landscaping in annexed areas. However, no impact is anticipated on sensitive environmental areas as a result of this annexation.

### **MEANS OF FINANCING PUBLIC SERVICES**

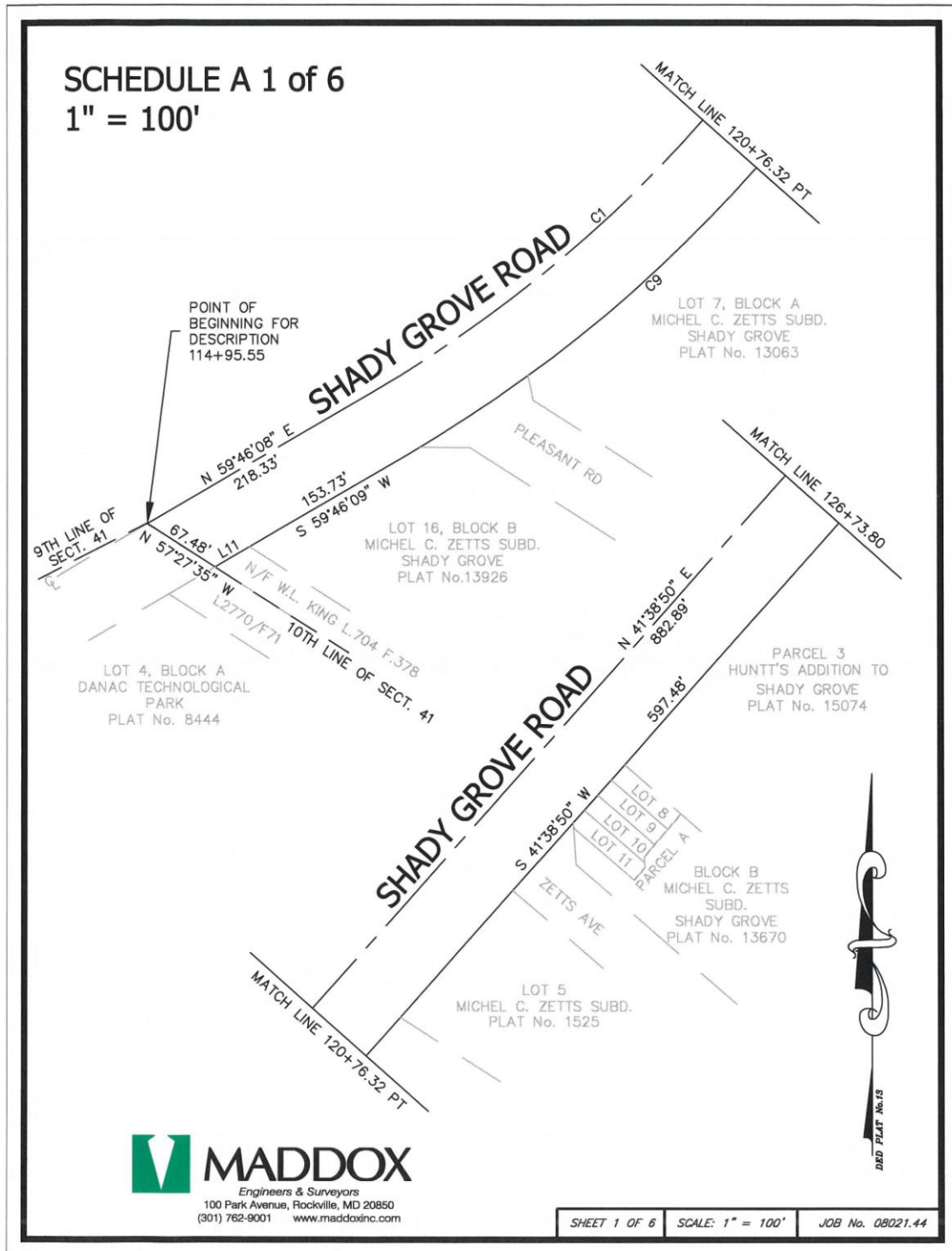
Roadway, landscaping and policing are all funded from the City of Rockville's General Fund. Rockville is prepared to assume responsibility for these services as soon as the annexation is complete.

### **CONCLUSION**

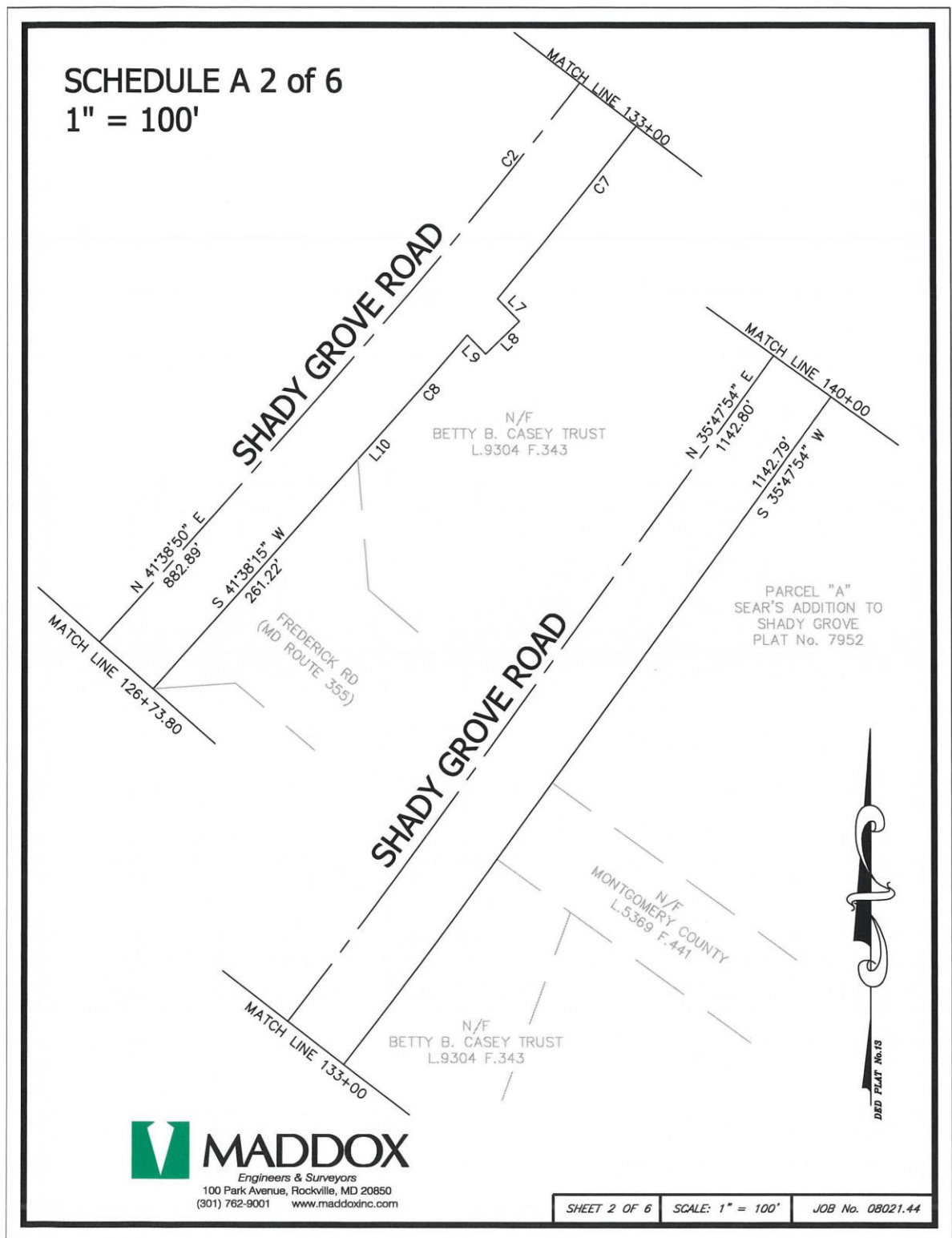
The proposed annexation proposal (ANX2012-00144) is consistent with Montgomery County and City of Rockville Master Plans, fulfills the purposes and requirements of the use and is compatible with existing and surrounding uses. The annexation is consistent with Articles 23A and 66B of the Annotated Code of Maryland. This annexation will establish and define a clear logical long-term boundary between the Cities of Rockville and Gaithersburg.

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## Attachment A-Metes and Bounds Description

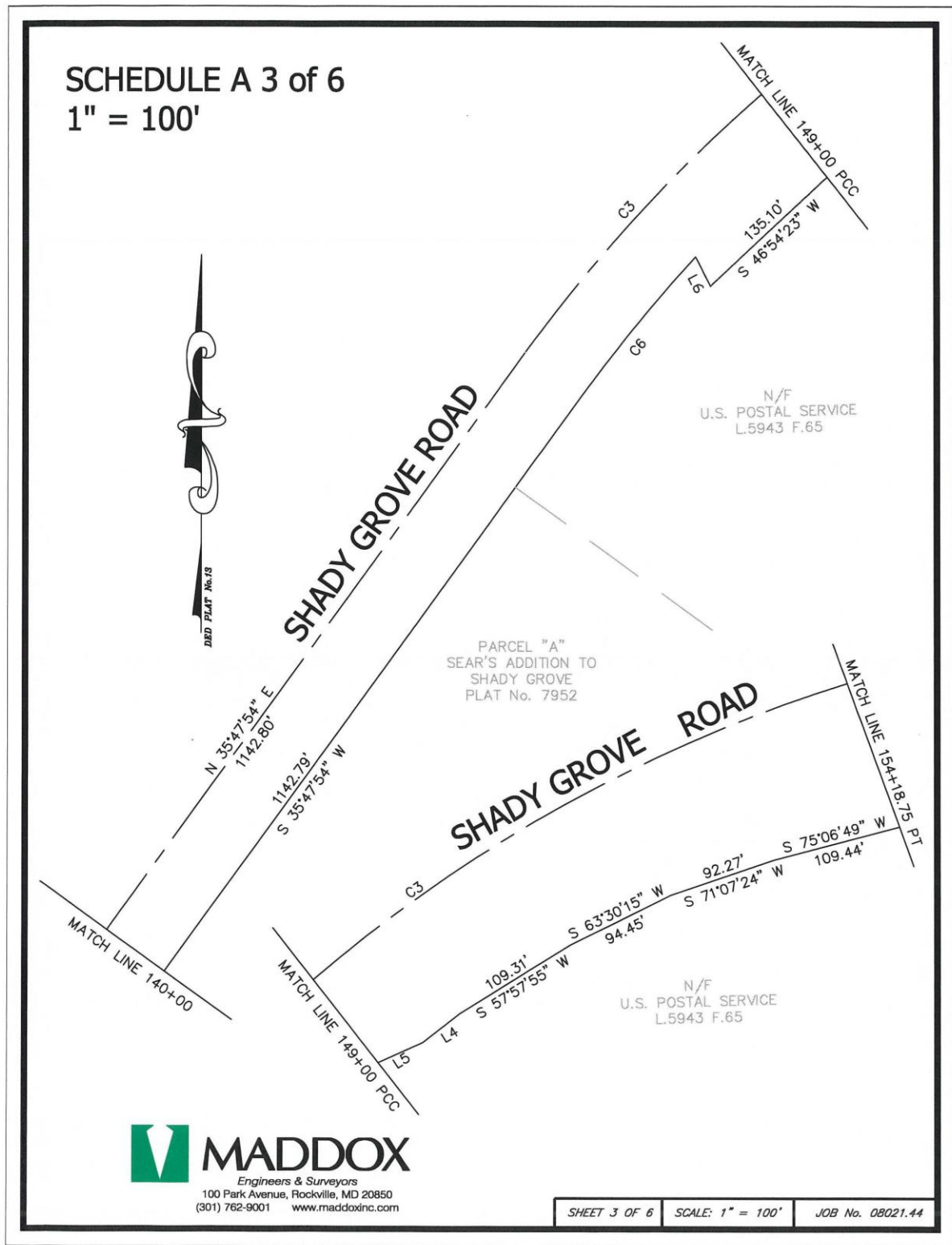


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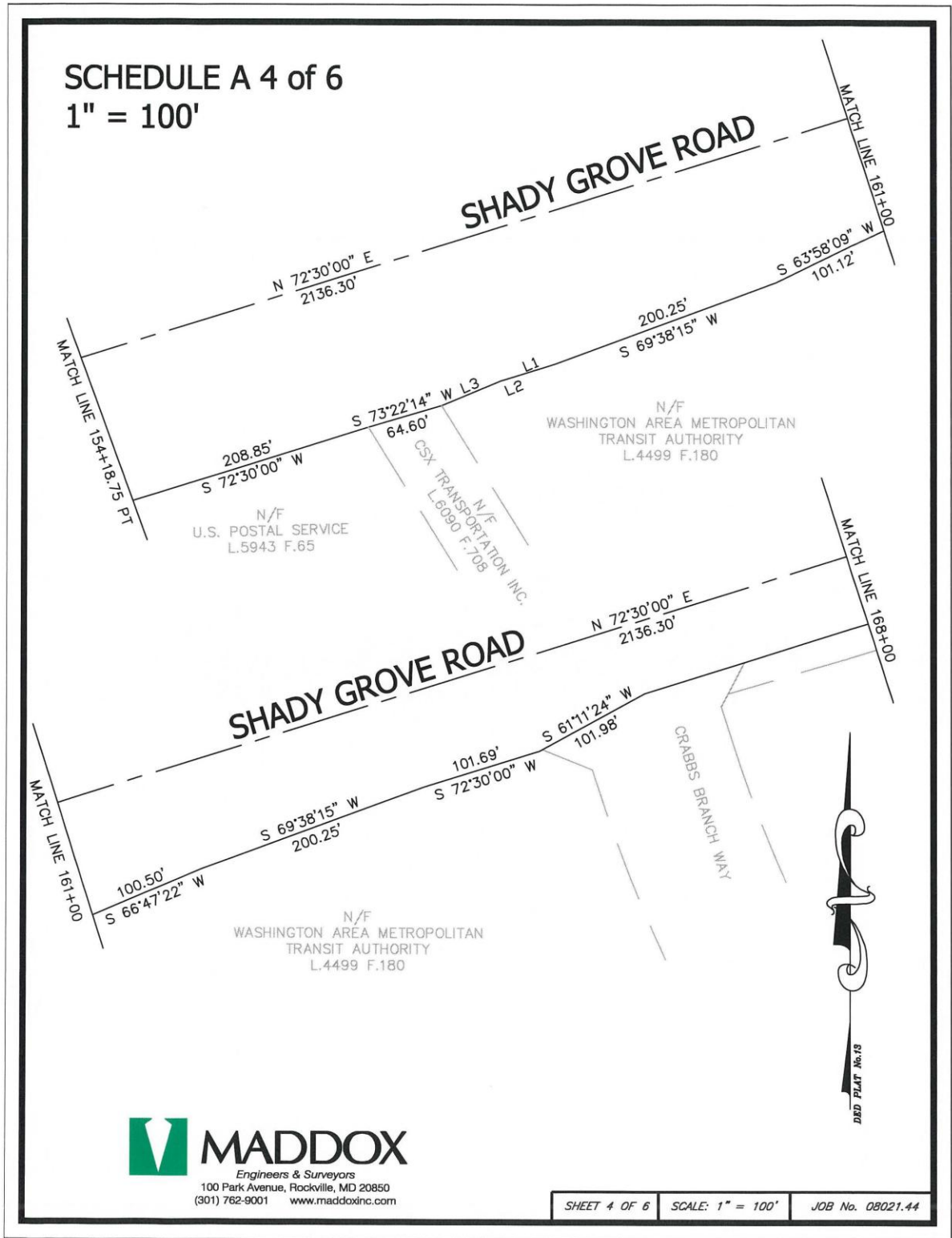


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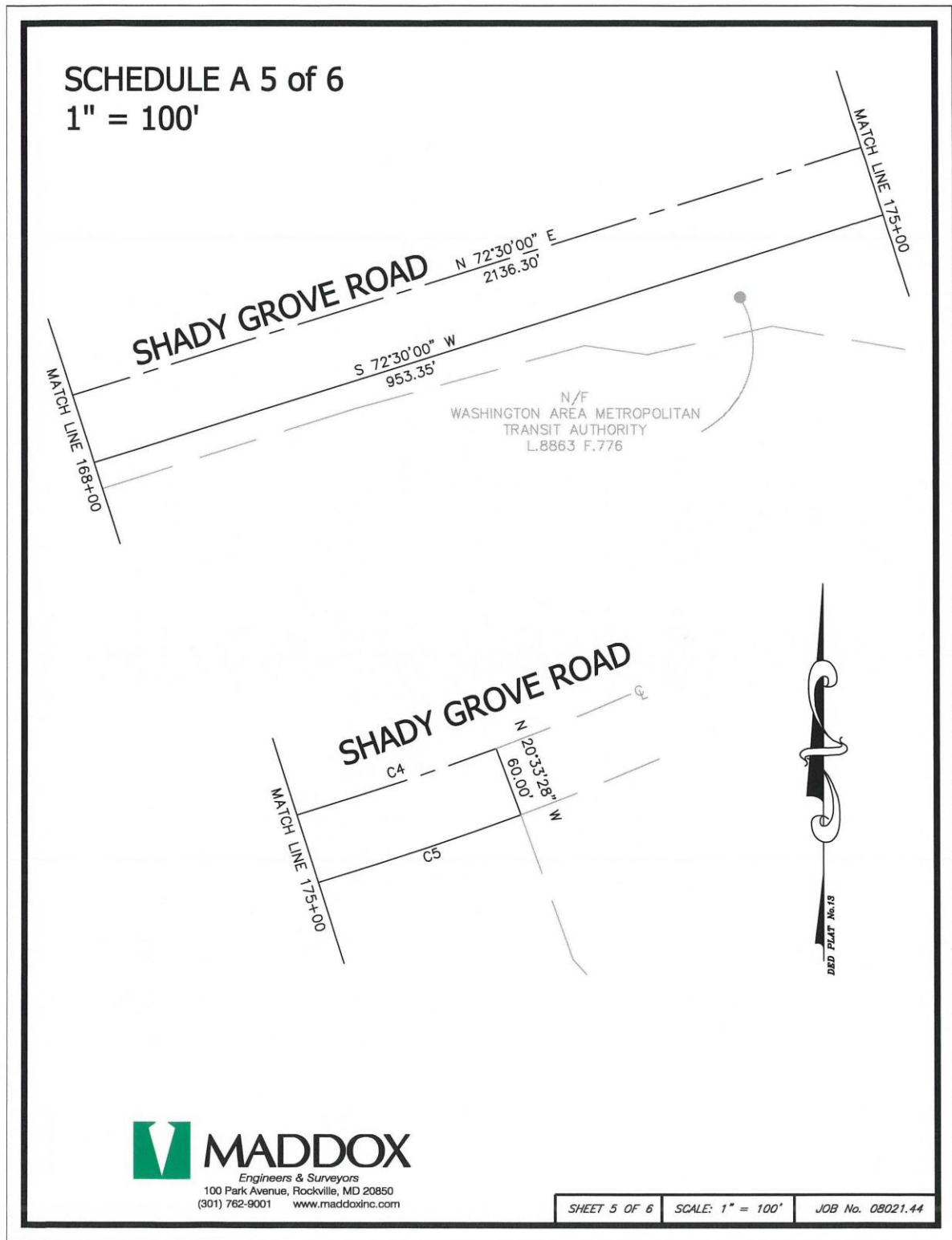




Adopted by the Mayor and Council of Rockville at their meeting on (date to be determined)



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## SCHEDULE A 6 of 6

**CURVE TABLE**

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	362.44	1145.92	18°07'19"	N 50°42'30" E	360.93
C2	501.15	4911.07	05°50'48"	N 38°42'27" E	500.93
C3	815.59	1273.24	36°42'06"	N 54°08'57" E	801.72
C4	122.31	2291.83	03°03'28"	N 70°58'16" E	122.29
C5	125.51	2351.83	03°03'28"	S 70°58'16" W	125.49
C6	149.92	1213.24	07°04'48"	S 39°20'18" W	149.82
C7	350.76	4971.07	04°02'34"	S 37°48'20" W	350.68
C8	116.31	4971.07	01°20'26"	S 40°57'38" W	116.31
C9	381.42	1205.92	18°07'19"	S 50°42'30" W	379.83

**LINE TABLE**

LINE	BEARING	LENGTH
L1	S 72°30'23" W	27.71
L2	S 72°30'00" W	20.60
L3	S 67°11'36" W	54.10
L4	S 51°51'23" W	40.00
L5	S 65°31'04" W	41.22
L6	N 26°43'10" W	27.72
L7	S 44°10'27" E	26.69
L8	S 45°49'33" W	40.00
L9	N 44°10'27" W	22.65
L10	S 41°45'06" W	24.21
L11	S 59°46'09" W	33.73

**COMPUTED AREA:**  
453,283 S.F. or 10.4060 Acres

**Beginning** for the same at a point on the center line of Shady Grove Road (120 feet wide Right-Of-Way) as shown on “Dedication Plat No. 13, Shady Grove Road,” at station 114+95.55; said point also being on the tenth or South 57° 27’ 45” East 362.62 feet line of the existing City of Rockville Limits as recorded in Resolution 8-78, Charter Amendment No. 34, Section 41, “Boundaries – Further extended; Washington Technological Park,” 0.42 feet from the beginning thereof, thence leaving said tenth line and running with the centerline of Shady Grove Road per Dedication Plats numbered 13 through 15, and 1 of 12 through 8 of 12, as now computed

1. **North 59° 46’ 08” East 218.33 feet** to a point of curvature, thence
2. 362.44 feet along the arc of a curve to the left having a radius of 1,145.92 feet, chord bearing and distance of **North 50° 42’ 30” East 360.93 feet**, to a point of tangency, thence
3. **North 41° 38’ 50” East 882.89 feet** to a point of curvature, thence
4. **501.15 feet** along the arc of a curve to the left having a **radius of 4,911.07 feet**, chord bearing and distance of **North 38° 42’ 27” East 500.93 feet** to a point of tangency, thence
5. **North 35° 47’ 54” East 1,142.80 feet** to a point of curvature, thence
6. **815.59 feet** along the arc of a curve to the right having a radius of **1,273.24 feet**, chord bearing and distance of **North 54° 08’ 57” East 801.72 feet**, to a point of tangency
7. **North 72° 30’ 00” East 2,136.30 feet** to a point of curvature, thence
8. **122.31 feet** along the arc of a curve to the left having a **radius of 2,291.83 feet**, chord bearing and distance of **North 70° 58’ 16” East 122.29 feet**, to a point at station 176+22.31, thence leaving said centerline
9. **South 20° 33’ 28” East 60.00 feet** to a point on the southerly Right-Of-Way line of Shady Grove Road, thence running with said southerly Right-Of-Way Line and the northerly outlines of the property conveyed by Montgomery County, Maryland unto the Washington Metropolitan Area Transit Authority by deed dated March 30, 1988 and recorded in Liber 8863 at folio 776 among the Land Records of Montgomery County, Maryland, as now computed
10. **125.51 feet** along the arc of a curve to the right having a **radius of 2,351.83 feet**, chord bearing and distance of **South 70° 58’ 16” West 125.49 feet**, to a point of tangency, thence
11. **South 72° 30’ 00” West 953.35 feet** to a point adjacent to Crabbs Branch Way (80 feet wide Right-Of-Way), thence still with the southerly Right-Of-Way lines of Shady Grove Road, as now computed
12. **South 61° 11’ 24” West 101.98 feet** to a point, thence leaving the said Crabbs Branch Way and running still with the southerly Right-Of-Way lines of Shady Grove Road and the northerly lines of the property conveyed by Eugene B. Casey and Virginia K. Casey

Visnich unto the Washington Metropolitan Area Transit Authority by deed dated February 25, 1974 and recorded in Liber 4499 at folio 180 among the aforesaid Land Records, as now computed

13. **South 72° 30' 00" West 101.69 feet** to a point, thence
14. **South 69° 38' 15" West 200.25 feet** to a point, thence
15. **South 66° 47' 22" West 100.50 feet** to a point, thence
16. **South 63° 58' 09" West 101.12 feet** to a point, thence
17. **South 69° 38' 15" West 200.25 feet** to a point, thence
18. **South 72° 30' 23" West 27.71 feet** to a point, thence
19. **South 72° 30' 00" West 20.60 feet** to a point, thence
20. **South 67° 11' 36" West 54.10 feet** to a point, thence leaving the northerly lines of Liber 8863, folio 776 aforesaid, and running still with the southerly Right-Of-Way lines of Shady Grove Road
21. **South 73° 22' 14" West 64.60 feet** to a point, thence running with the northerly lines of the property conveyed by Eugene B. Casey and Virginia Casey Visnich unto the U.S. Postal Service by deed dated September 20, 1982 and recorded in Liber 5943 at folio 65 among the aforesaid Land Records, as now computed
22. **South 72° 30' 00" West 208.85 feet** to a point, thence
23. **South 75° 06' 49" West 109.44 feet** to a point, thence
24. **South 71° 07' 24" West 92.27 feet** to a point, thence
25. **South 63° 30' 15" West 94.45 feet** to a point, thence
26. **South 57° 57' 55" West 109.31 feet** to a point, thence
27. **South 51° 51' 23" West 40.00 feet** to a point, thence
28. **South 65° 31' 04" West 41.22 feet** to a point, thence
29. **South 46° 54' 23" West 135.10 feet** to a point, thence
30. **North 26° 43' 10" West 27.72 feet** to a point, thence
31. **149.92 feet** along the arc of a curve to the left having a **radius of 1,213.24 feet**, chord bearing and distance of **South 39° 20' 18" West 149.82 feet**, to a point of tangency, thence leaving the northerly lines of Liber 5943, folio 65 aforesaid and running with the northerly lines of Parcel "A," as shown on a subdivision record plat entitled, "Sear's Addition to Shady Grove," recorded as Plat numbered 7952 among the aforesaid Land Records, and still with the southerly Right-Of-Way Line of Shady Grove Road, as now computed
32. **South 35° 47' 54" West 1,142.79 feet** to a point of curvature on the northerly lines of the property conveyed by Betty Brown Casey, Trustee unto the Betty Brown Casey Trust by deed dated April 13, 1990 and recorded in Liber 9304 at folio 343 among the aforesaid

- Land Records, thence running with the said northerly lines and still with the southerly Right-Of-Way Line of Shady Grove Road, as now computed
33. **350.76 feet** along the arc of a curve to the right having a **radius of 4,971.07 feet**, chord bearing and distance of **South 37° 48' 20" West 350.68 feet** to a point, thence
  34. **South 44° 10' 27" East 26.69 feet** to a point, thence
  35. **South 45° 49' 33" West 40.00 feet** to a point, thence
  36. **North 44° 10' 27" West 22.65 feet** to a point, thence
  37. **116.31 feet** along the arc of a curve to the right having a **radius of 4,971.07 feet**, chord bearing and distance of **South 40° 57' 38" West 116.31 feet** to a point of tangency, thence
  38. **South 41° 45' 06" West 24.21 feet** to point on the easterly Right-Of-Way Line of Frederick Road, also known as Maryland Route 355, thence leaving the northerly lines of Liber 9304, folio 343 aforesaid, crossing the Right-Of-Way of Frederick Road, and still running with the southerly Right-Of-Way Lines of Shady Grove Road, as now computed
  39. **South 41° 38' 15" West 261.22 feet** to a point, thence running with the northerly lines of Parcel 3 of a Subdivision Record Plat entitled, "Huntt's Addition to Shady Grove," recorded as Plat numbered 15074, and still with the southerly Right-Of-Way Line of Shady Grove Road, as now computed
  40. **South 41° 38' 50" West 597.48 feet** to point of curvature on the northerly lines of Lot 7, Block A of a Subdivision Record Plat entitled, "Michel C. Zetts Subdivision, Shady Grove," recorded as Plat numbered 13063, thence running with said northerly lines and still with the southerly Right-Of-Way Lines of Shady Grove Road, as now computed
  41. **381.42 feet** along the arc of a curve to the right having a **radius of 1,205.92 feet**, chord bearing and distance of **South 50° 42' 30" West 379.83 feet** to a point of tangency, thence running with the northerly lines of Lot 16, Block B of a Subdivision Record Plat entitled, "Michel C. Zetts Subdivision, Shady Grove," recorded as Plat numbered 13926, thence running with said northerly lines and still with the southerly Right-Of-Way Lines of Shady Grove Road, as now computed
  42. **South 59° 46' 09" West 153.73 feet** to a point, thence leaving the northerly lines of Plat numbered 13926 aforesaid and still with the southerly Right-Of-Way Lines of Shady Grove Road, as now computed
  43. **South 59° 46' 09" West 33.73 feet** to a point on the tenth or South 57° 27' 45" East 362.62 feet line of the existing City of Rockville Limits as recorded in Resolution 8-78, Charter Amendment No. 34, Section 41, "Boundaries – Further extended; Washington Technological Park," thence leaving the southerly Right-Of-Way line of Shady Grove Road and running with a portion of said tenth line, reversed, as now computed

Adopted by the Mayor and Council of Rockville at their meeting on (date to be determined)

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44. **North 57° 27' 35" West 67.48 feet to the place of beginning**, containing 453,283 square feet, or 10.4060 Acres, more or less, as computed by Maddox Engineers & Surveyors, Inc. Maddox Project No. 08021.44

Certified Correct: \_\_\_\_\_  
Russell E. Reese, Registered Professional Land Surveyor  
Maryland No. 11014, License Expires 8/24/12